

From: Dennis E. Hamilton
To: Microsoft ATR
Date: 1/23/02 3:23pm
Subject: Microsoft Settlement

I am concerned that the proposed Microsoft Settlement does not accomplish the desired remedy.

I find that it essential that any remedy require Microsoft to publish complete documentation of all interfaces between (independently usable or substitutable) software components, all communications protocols, and all file formats.

My greatest concern is about the proprietary file formats that users currently use to record their content and to interchange information with other parties. The importance of common formats in interoperability among enterprises and different computing communities, and the dependence on these formats in the preservation of electronically-originated information, has created a barrier to entry for competing products. It has also created a hazard for those who rely heavily on these formats in order to interchange information with other users. As some users are motivated to upgrade Microsoft products, other users in the community are ultimately forced to upgrade in order to continue to participate. Likewise, as support for the software that operates with older versions of the formats is withdrawn, users are not assured of a way to continue to operate with their own information and to preserve their investment in recorded information, except by converting ot later versions.

This form of the "network effect" in which product choices are made by users to ensure their continued ability to interwork in an extended community also creates barriers to substitution, even for the purpose of preserving usability of content that is the user's own.

I agree that the functionality, features, and overall appeal of Microsoft products is valuable and a symbol of competitive approach to the market. My concern is that the barriers to substitution erected by the reliance on proprietary formats has contributed to a monopoly position due to the nature of electronic documents and information and the necessary mediation of software for their use. Without separating the formats from specific, proprietary software for operating with them, the public interest is ill-served and there is no opportunity for competitive innovation now that such a monopoly exists.

Converting to a competitive product with a different proprietary format is not viable in most situations, since it neither advances interoperability and inter-usability of the information nor assures the continued usability of already-recorded electronic information. It is not a meaningful substitution.

Thank you,

I am

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